



DEPARTMENT OF TRANSPORTATION [4910-22-P]

Federal Highway Administration

**Notice of Final Federal Agency Action on Interstate Highway 35 East (I-35E)
from U.S. Highway 67 (US 67) to I-30 and US 67 from I-20 to I-35E, Dallas
County, Texas**

AGENCY: Federal Highway Administration (FHWA), U.S. Department of Transportation (DOT), Texas Department of Transportation (TxDOT)

ACTION: Notice of Limitation on Claims for Judicial Review of Actions by TxDOT and Federal Agencies.

SUMMARY: This notice announces actions taken by TxDOT and Federal agencies that are final within the meaning of 23 U.S.C. § 139(l)(1). The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried-out by TxDOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated December 16, 2014 and executed by FHWA and TxDOT. The actions relate to a proposed highway project, I-35E from US 67 to I-30 and US 67 from I-20 to I-35E, in Dallas County in the State of Texas. Those actions grant licenses, permits, and approvals for the project.

DATES: By this notice, TxDOT is advising the public of final agency actions subject to 23 U.S.C. § 139(l)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before [INSERT DATE 150 DAYS AFTER THE DATE OF PUBLICATION IN THE FEDERAL REGISTER]. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: Mr. Carlos Swonke, P.G.,
Environmental Affairs Division, Texas Department of Transportation, 125 East 11th
Street, Austin, Texas 78701; telephone: (512) 416-2734; email:
carlos.swonke@txdot.gov. TxDOT's normal business hours are 8:00 a.m. – 5:00
p.m. (central time), Monday through Friday.

SUPPLEMENTARY INFORMATION: Notice is hereby given that TxDOT and
Federal agencies have taken final agency actions by issuing licenses, permits, and
approvals for the following highway project in the State of Texas: I-35E from US 67
to I-30 and US 67 from I-20 to I-35E, in Dallas County. The project consists of the
conversion of the reversible high occupancy vehicles (HOVs) to non-toll reversible
express lanes between Colorado Boulevard (Blvd.) and Reunion Blvd., full
reconstruction of the section of I-35E between US 67 and Colorado Blvd. and the
addition of general purpose lanes along US 67 between I-20 and I-35E. Non-tolled
reversible express lanes would be implemented within the entire project limits.
Sidewalks and bicycle accommodations would be implemented along those frontage
roads and cross-streets proposed to be reconstructed.

The purpose of the project is to reduce traffic congestion, improve mobility, and
meet current roadway design standards.

The actions by TxDOT and the Federal agencies, and the laws under which such
actions were taken, are described in the final Environmental Assessment (EA) for
the project, for which a Finding of No Significant Impact (FONSI) was issued on
December 27, 2016, and in other documents in the TxDOT project file. The EA,
FONSI, and other documents in the TxDOT project file are available by contacting
TxDOT at the addresses provided above. The TxDOT EA and FONSI can be viewed

and downloaded from the project website at <https://thesoutherngateway.org/stay-involved/>.

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. General: National Environmental Policy Act (NEPA) [42 U.S.C. 4321-4351]; Federal-Aid Highway Act [23 U.S.C. 109].
2. Air: Clean Air Act, 42 U.S.C. 7401-7671(q).
3. Land: Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303]; Landscaping and Scenic Enhancement (Wildflowers), 23 U.S.C. 319.
4. Wildlife: Endangered Species Act [16 U.S.C. 1531-1544 and Section 1536], Marine Mammal Protection Act [16 U.S.C. 1361], Fish and Wildlife Coordination Act [16 U.S.C. 661-667(d)], Migratory Bird Treaty Act [16 U.S.C. 703-712].
5. Historic and Cultural Resources: Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) et seq.]; Archeological Resources Protection Act of 1977 [16 U.S.C. 470(aa)-11]; Archeological and Historic Preservation Act [16 U.S.C. 469-469(c)]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001-3013].
6. Social and Economic: Civil Rights Act of 1964 [42 U.S.C. 2000(d)-2000(d)(1)]; American Indian Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201-4209].
7. Wetlands and Water Resources: Clean Water Act, 33 U.S.C. 1251-1377 (Section 404, Section 401, Section 319); Land and Water Conservation Fund

(LWCF), 16 U.S.C. 4601-4604; Safe Drinking Water Act (SDWA), 42 U.S.C. 300(f)-300(j)(6); Rivers and Harbors Act of 1899, 33 U.S.C. 401-406; Wild and Scenic Rivers Act, 16 U.S.C. 1271-1287; Emergency Wetlands Resources Act, 16 U.S.C. 3921, 3931; TEA-21 Wetlands Mitigation, 23 U.S.C. 103(b)(6)(m), 133(b)(11); Flood Disaster Protection Act, 42 U.S.C. 4001-4128.

8. Executive Orders: E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; E.O. 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species. (Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction.)

Authority: 23 U.S.C. § 139(l)(1)

Issued on: February 14, 2017

Michael T. Leary

Director, Planning and Program Development

Federal Highway Administration